

REMARKS/ARGUMENTS

Claims 1-41 stand rejected in the outstanding Official Action. Claims 1, 15 and 41 have been amended and newly written claims 42 and 43 offered for consideration. Therefore, claims 1-43 are the only claims remaining in this application.

The Examiner's indication of PTO acceptance with respect to the originally submitted drawings is very much appreciated. Additionally, the Examiner's consideration of the prior art submitted with Applicants' previously filed Information Disclosure Statement is appreciated.

Claim 41 stands rejected under 35 USC §101 as allegedly being directed to non-statutory subject matter. While Applicants believe that the recitation of a computer program product, however it is stored, is a "new and useful process, machine, manufacture, or composition of matter" as defined in 35 USC §101, Applicants have amended claim 41 to recite that the "computer program product comprises a computer readable storage medium" carrying computer readable instructions and notes that this language has been used and acknowledged as acceptable by the U.S. PTO in the past (see, for example, U.S. Patent 6,836,860). Accordingly, any further objection to claim 41 as amended is respectfully traversed.

Claims 1-41 stand rejected under 35 USC §102 as being anticipated by Swoboda (U.S. Patent 7,043,418). Applicants' claims require that the "trace data formatter" detects individual trace data sources (which have been selected by the trace data selector) and inserts a "trace data source identifier" in the output trace data stream "in response to a change of trace data source selected by said trace data selector." Thus, as discussed in Applicants' specification on page 11, lines 6-14 with reference to Figure 6, a trace data source identifier can be inserted whenever a change occurs in the trace data source. Of course, if no change occurs, then no trace data source

identifier need be inserted. This means that a trace data analyzer can safely assume that the trace data source remains unchanged until a new trace data source identifier is encountered within the output trace data stream. This efficiently and effectively identifies the source of the trace data, yet saves space within the output trace data stream, which can be limited due to storage, bandwidth or other constraints.

The Examiner contends that Swoboda at column 10, line 64 to column 11, line 1, teaches that each 10-bit packet includes "opcode" which "indicates the type of information that is being sent (see figure 2 and column 10 line 64 to column 11 line 1)." A review of Figure 3 of the Swoboda reference will clarify what is meant by "opcode" as used in the Swoboda description. "Opcode" as discussed in Figure 3, can be "counter start," "exception occurred," "timing sync point," etc. It is clear that each of these opcodes is information identifying types of trace events.

However, Applicants' independent claims 1 and 15 require insertion of a "trace data source identifier" into the data stream. There is no indication in Swoboda that the "opcode" information identifying types of trace events contains any information at all relating to the identification of any trace data source, i.e., Applicants' claimed "trace data source identifier." Thus, the Examiner's citation of Swoboda and discussion of the Swoboda "opcode" clearly does not disclose the existence of a "trace data source identifier" or Applicants' trace data formatter which inserts a trace data source identifier in the data stream.

Thus, Swoboda fails to teach this recited portion of apparatus claim 1. Similarly, Swoboda fails to disclose this formatting step of claim 15, i.e., "inserting a trace data source identifier in said output trace data stream" in response to a change of said selected trace data source." (emphasis added).

Also, it is noted that with respect to both the apparatus claim 1 and method claim 15, there is no indication that the Swoboda "opcode" is inserted in a data stream "in response to a change of trace data source selected by said trace data selector." (emphasis added). Where or how the Examiner believes this is disclosed in Swoboda is not expressed in the outstanding Official Action. Since the "in response to a change of trace data source selected by said trace data source selector" is a claim limitation, it must be shown in Swoboda in order to support the rejection under 35 USC §102. Its absence obviates any further rejection of claims 1-41 over the Swoboda reference under §102.

Moreover, should the Examiner consider a rejection of the pending independent claims under §103, it is noted that the Swoboda reference "teaches away" from the claimed invention. Swoboda teaches that the trace packet format involves a sequence of packets where a header (opcode) can be output followed by a number of "continue packets." As discussed at column 11, line 26 of Swoboda, "the number of parameters expected depends upon the command opcode." Column 10, line 52 through column 11, line 38 of Swoboda teaches that parameters are passed within the "continue packets" and the command opcode is the header packet. Accordingly, it will be apparent to those of ordinary skill in the art that Swoboda teaches that insertion of opcodes (which the Examiner suggests are the counterpart of Applicants' claimed "trace data source identifier") is a **requirement** of the data format (10-bit data packets).

The above noted required insertion of opcodes into the data stream would lead one of ordinary skill in the art away from Applicants' claimed insertion of trace data source identifiers being inserted "in response to a change of trace data source selected by said trace data selector." Thus, Swoboda's regular insertion of opcode would lead one of ordinary skill in the art away

from Applicants' claimed trace data source identifier insertion "in response to a change of trace data source." Thus, in view of the above, there would be no basis for rejection of claims 1 and 15 under 35 USC §103 in view of the Swoboda patent. Inasmuch as claims 2-14 and 16-41 are all dependent from independent claims 1 and 15, there is no basis for rejection of the dependent claims for the same reasons as discussed above with respect to claims 1 and 15.

Applicants have added newly written dependent claims 42 and 43 to indicate that the trace data format is selectively operable to insert or not insert the trace data source identifier in the output trace data stream. Claim 42 is an apparatus claim dependent from claim 1 and claim 43 is a method claim dependent from claim 15. Entry and consideration of these newly submitted claims is respectfully requested. It is noted that support for these dependent claims can be found on page 11, lines 4-24 of the description with reference to Figure 6.

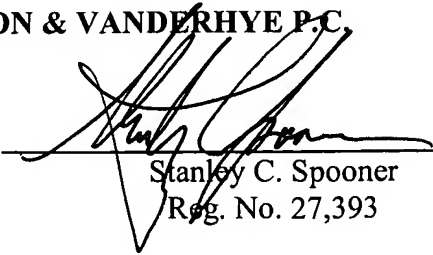
Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-43 are in condition for allowance and notice to that effect is respectfully solicited. Should the Examiner be of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants' undersigned representative.

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Respectfully submitted,

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